

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) INDICTMENT NO. 05-10039-NG
)
)
ARCENIO POCHE-CHACON)
aka ANDRES DEL ROSARIO ALAYON)

DEFENDANT’S MOTION TO CONTINUE
RULE 11 HEARING

Arcenio Poche-Chacon (the “Defendant”), in the above-numbered Indictment and through Counsel, moves this Court to continue the hearing on this matter currently scheduled for February 5, 2008.

In support of this motion the defendant’s counsel states that he has very ill with severe bronchial and throat infections since Christmas and is currently under his physician’s care and taking his second round of antibiotic treatment. During this period of time counsel’s professional activities have been seriously limited. As such counsel has not been able to arrange the services of an interpreter in order to sufficiently explain to and prepare the defendant to enter a plea of guilty. As such the defendant respectfully requests that the case be continued.

Respectfully submitted,
ARCENIO POCHE-CHACON,
By his Counsel:

‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL
66 Long Wharf
Boston, Massachusetts 02110
(617) 523-5858

DATED: February 1, 2008

SPEEDY TRIAL WAIVER

The defendant agrees that the time from February 1, 2008 until the next scheduled hearing date in this matter is excludable time under the Speedy Trial Act and hereby waives said period of time.

SIGNED: ‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL, ESQ.

DATE: February 1, 2008

RULE 7.1 CERTIFICATION

The parties have not had an opportunity to confer on this motion, however, AUSA Paul Moore and defense counsel have a standing agreement that routine requests for continuances will be assented to by both counsel.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: February 1, 2008